

THE TRUE
SPEECHES
OF

THOMAS WHITEBREAD, Provincial of
the *Jesuits* in *England*,
WILLIAM HARCOURT, Pretended Re-
ctor of *London*,
JOHN FENWICK, Procurator for the *Je-*
suits in *England*,
JOHN GAVAN, and
ANTHONY TURNER,

ALL *JESUITS* and *PRIESTS*;

BEFORE THEIR

Execution at Tyburn,

JUNE the 20th. MDCLXXIX.

WITH

ANIMADVERSIONS

THEREUPON:

Plainly discovering the *FALLACY* of all

THEIR

ASSEVERATIONS

of their *INNOCENCY*.

Published by Authority.

[David Clarkson]

L O N D O N,

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THE

SPEECH

THOMAS

WILLIAM

CHARLES

JOHN

EDWARD

GEORGE

FRANCIS

ALFRED

WILLIAM

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The Several

SPEECHES

OF

*Thomas Whitebread, | John Gavan,
William Harcourt, | and
Anthony Turner, | John Fenwick,*

Before their EXECUTION

AT

T I B U R N,

FOR

H I G H T R E A S O N.

On Friday the 20th of June, 1679.

Friday the 20th of June, being the day appointed for the Execution of the Persons afore said, They were drawn on Three Hurdles from Newgate to the Place of Execution.

In the First Hurdle went *Thomas Whitebread*, and *William Harcourt*. In the Second, *Anthony Turner*, and *John Gavan*. And in the Third, *John Fenwick*. And being come to the Place of Execution, They were all put into one Cart.

Then *Gavan* said, If God give us His Grace, it's no matter where we die, at the Gallows or elsewhere. The Executioner being fastning the Halters,

Gavan said, *I hope you will be civil to dying Men.*

Executioner. *I will be civil to you.*

Gavan. *I hope they will give us leave to speak.*

The last Speech of Thomas Whitebread.

I Suppose it is expected I should speak something to the matter I am
 Condemned for, and brought hither to suffer: it is no less than the
 contriving and plotting His Majesty's Death, and the alteration of the
 Government of the Church and State. You all either know, or ought to
 know, I am to make my appearance before the Face of Almighty God,
 and with all imaginable certainty and evidence to receive a final Judgment,
 for all the thoughts, words, and actions of my whole life. So that
 I am not now upon terms to speak other than the Truth, and therefore in
 his most Holy Presence, and as I hope for Mercy from his Divine Majesty,
 I do declare to you here present, and to the whole World, that I
 go out of the World as innocent, and as free from any guilt of these things
 laid to my charge in this matter, as I came into the World from my
 Mothers Womb: and that I do renounce from my heart all manner of
 Pardons, Absolutions, Dispensations for Swearing, as occasions or Interest
 may seem to require, which some have been pleased to lay to our charge,
 as matter of our Practice and Doctrine, but is a thing so unjustifiable and
 unlawful, that I believe, and ever did, that no power on Earth can authorize
 me, or any body so to do. As for those who have most falsely accused
 me (as time, either in this World, or in the next, will make appear) I do
 heartily forgive them, and beg of God to grant them his holy Grace, that
 they may repent their unjust proceedings against me; otherwise they will
 in conclusion find they have done themselves more wrong than I have suffered
 from them, though that has been a great deal. I pray God bless His
 Majesty both Temporally and Eternally, which has been my daily Prayer
 for him, and is all the harm that I ever intended or imagined against
 him. And I do with this my last breath, in the sight of God declare,
 that I never did learn, or teach, nor believe, nor can as a Catholick believe,
 that it is lawful upon any occasion or pretence whatsoever, to design or
 contrive the Death of His Majesty, or any hurt to his Person; but on the
 contrary, all are bound to obey, defend, and preserve his Sacred Person, to
 the utmost of their power. And I do moreover declare, that this is the true
 and plain sence of my Soul, in the sight of him who knows the Secrets
 of my Heart, and as I hope to see his blessed Face, without any Equivocation,
 or mental Reservation. This is all I have to say concerning the matter
 of my Condemnation; that which remains for me now to do, is to recommend
 my Soul into the hands of my blessed Redeemer, by whose only Merits and
 Passion I hope for Salvation.

The last Speech of William Harcourt.

THE words of dying persons have been always esteem'd as of greatest Authority; because uttered then, when shortly after they are to be cited before the high Tribunal of Almighty God. This gives me hopes that mine may be look'd upon as such: therefore I do here declare in the presence of Almighty God, the whole Court of Heaven, and this numerous Assembly, that as I ever hope, by the Merits and Passion of my Lord and sweet Saviour JESUS CHRIST for Eternal Bliss, I am as innocent as the Child unborn of any thing laid to my charge, and for which I am here to die.

Sher. How. *Or Sir Edmund-Bury Godfry's Death?*

Harcourt. *Or Sir Edmund-Bury Godfry's Death.*

Sher. How. *Did not you Write that Letter concerning the Dispatch of Sir Edmund-Bury Godfry?*

Harcourt. *No Sir, These are the Words of a dying man, I would not do it for a Thousand Worlds.*

Sher. How. *How have you lived?*

Harcourt. *I have lived like a Man of repute all my life, and never was before the Face of a Judg till my Tryal: No man can accuse me. I have from my Youth been bred up in the Education of my Duty towards God, and Man.*

Harcourt. And I do utterly abhor and detest that abominable false Doctrine laid to our charge, that we can have Licenses to commit perjury, or any Sin to advantage our cause, being expressly against the Doctrine of St. Paul, saying, *Non sunt facienda mala, ut eveniant bona*; Evil is not to be done that good may come thereof. And therefore we hold it in all cases unlawful to Kill or Murder any person whatsoever, much more our lawful King now Reigning; whose personal and temporal Dominions we are ready to defend with our Lives and Fortunes, against any Opponent whatsoever, none excepted. I forgive all that have contriv'd my Death, and humbly beg pardon of Almighty God for them. And I ask pardon of all the World. I pray God bless His Majesty, and grant him a prosperous Reign. The like I wish to his Royal Consort, the best of Queens. I humbly beg the Prayers of all those who are in the Communion of the *Roman* Church, if any such be present.

The last Speech of Anthony Turner.

BEing now, good People, very near my End, and summon'd by a violent Death to appear before God's Tribunal, there to render an account of all my thoughts, words, and actions, before a just Judge, I conceive I am bound in Conscience to do my self that Justice, as to declare upon Oath my Innocence from the horrid Crime of Treason, with which I am falsely accused: And I esteem it a Duty I owe to Christian Charity, to publish to the World before my death, all that I know

know in this point, concerning those Catholicks I have conversed with since the first noise of the Plot, desiring from the bottom of my heart, that the whole Truth may appear, that Innocence may be clear'd, to the great Glory of God, and the Peace and Welfare of the King and Country. As to my self, I call God to witness, that I was never in my whole life present at any Consult or Meeting of the *Jesuits*, where any Oath of Secrecy was taken, or the Sacrament, as a Bond of Secrecy, either by me or any one of them, to conceal any Plot against His Sacred Majesty; nor was I ever present at any Meeting or Consult of theirs, where any proposal was made, or Resolve taken or signed, either by me or any of them, for taking away the Life of our Dread Sovereign; an impiety of such a nature, that had I been present at any such Meeting, I should have been bound by the Laws of God, and by the Principles of my Religion, (and by God's Grace would have acted accordingly) to have discovered such a devilish Treason to the Civil Magistrate, to the end they might have been brought to condign punishment. I was so far, good People, from being in *September* last at a Consult of the *Jesuits* at *Tixall*, in Mr. *Ewer's* Chamber, that I vow to God, as I hope for Salvation, I never was so much as once that year at *Tixall*, my Lord *Aston's* House. 'Tis true, I was at the Congregation of the *Jesuits* held on the 24th. of *April* was twelve-month, but in that meeting, as I hope to be saved, we meddled not with State-Affairs, but only treated about the Concerns of our Province, which is usually done by us, without offence to temporal Princes, every third Year all the World over.

Sheriff How. You do onely justifie your selves here. We will not believe a word that you say. Spend your time in Prayer, and we will not think your time too long.

I am, good People, as free from the Treason I am accused of, as the Child that is unborn, and being innocent I never accused my self in Confession of any thing that I am charged with. Certainly, if I had been conscious to my self of any Guilt in this kind, I should not so frankly and freely, as I did, of my own accord, have presented my self before the King's Most Honourable Privy Council. As for those Catholicks which I have conversed with since the noise of the Plot, I protest before God, in the words of a dying Man, that I never heard any one of them, either Priest or Layman, express to me the least knowledge of any Plot, that was then on foot amongst the Catholicks, against the King's Most Excellent Majesty, for the advancing the Catholick Religion. I die a *Roman* Catholick, and humbly beg the Prayers of such, for my happy passage into a better Life. I have been of that Religion above Thirty years, and now give God Almighty infinite thanks for calling me by his holy Grace to the knowledge of this Truth, notwithstanding the prejudice of my former Education. God of his infinite Goodness bless the King, and all the Royal Family, and grant his Majesty a prosperous Reign here, and a Crown of Glory hereafter. God in his mercy forgive all those which have falsely accused me, and have had any hand in my Death; I forgive them from the bottom of my heart, as I hope my self for forgiveness at the Hands of God.

O God,

O GOD, who hast created me to a supernatural end, to serve thee in this life by Grace, and injoy thee in the next by Glory, be pleased to grant by the merits of thy bitter death and Passion, that after this wretched life shall be ended, I may not fail of a full injoyment of thee my last end and sovereign good. I humbly beg pardon for all the sins which I have committed against thy Divine Majesty, since the first Instant I came to the use of reason to this very time. I am heartily sorry from the very bottom of my heart, for having offended thee so good, so powerfull, so wise, and so just a God, and purpose by the help of thy Grace, never more to offend thee my good God, whom I love above all things.

O sweet Jesus, who hath suffer'd a most painful and ignominious Death upon the Cross for our Salvation, apply, I beseech thee, unto me the merits of thy Sacred Passion, and sanctifie unto me these sufferings of mine, which I humbly accept of for thy sake in union of the sufferings of thy sacred Majesty, and in punishment and satisfaction of my sins.

O My dear Saviour and Redeemer, I return thee immortal thanks for all thou hast pleased to do for me in the whole course of my life, and now in the hour of my Death, with a firm belief of all things thou hast revealed, and a steadfast hope of obtaining everlasting blifs. I cheerfully cast my self into the Arms of thy Mercy, whose Arms were stretched upon the Cross for my Redemption. Sweet Jesus, receive my Spirit.

The last Speech of John Gavan.

DEarly beloved Countrey-men, I am come now to the last Scenie of Mortality, to the hour of my Death, an hour which is the Horifon between Time and Eternity, an hour which must either make me a Star to shine for ever in the Empire above, or a Firebrand to burn everlastingly amongst

amongst the damned Souls in Hell below ; an hour in which if I deal sincerely, and with a hearty sorrow acknowledge my Crimes, I may hope for mercy ; but if I falsely deny them, I must expect nothing but Eternal Damnation : and therefore what I shall say in this great hour, I hope you will believe. And now in this hour I do solemnly swear, protest, and vow, by all that is Sacred in Heaven and on Earth, and as I hope to see the Face of God in Glory, that I am as innocent as the Child unborn of those Treasonable Crimes, which Mr. Oates, and Mr. Dugdale, have Sworn against me in my Trial ; and for which, Sentence of Death was pronounced against me the day after my Trial. And that you may be assured that what I say is true, I do in the like manner protest, vow, and swear, as I hope to see the Face of God in Glory, that I do not in what I say unto you, make use of any Equivocation, or mental Reservation, or material Prolocution, or any such like way to palliate Truth. Neither do I make use of any dispensations from the Pope, or any body else ; or of any Oath of secrecy, or any absolution in Confession or out of Confession to deny the truth ; but I speak in the plain sense which the words bear ; and if I do speak in any other sense, to palliate or hide the truth, I wish with all my Soul that God may exclude me from his Heavenly Glory, and condemn me to the lowest place of Hell Fire : and so much to that point.

And now dear Countrey-men, in the second place, I do confess and own to the whole World that I am a *Roman Catholick*, and a Priest, and one of that sort of Priests called *Jesuits* ; and now because they are so falsely charged for holding King-killing Doctrine, I think it my duty to protest to you with my last dying words, that neither I in particular, nor the *Jesuits* in general, hold any such opinion, but utterly abhor and detest it : and I assure you, that amongst the vast numbers of Authors, which among the *Jesuits* have Printed Philosophy, Divinity, Cases, or Sermons, there is not one, to the best of my knowledge, that allows of King-killing Doctrine, or holds this position, That it is lawful for a private Person to kill a King, although an Heretick, although a Pagan, although a Tyrant : there is, I say, not one *Jesuit* that holds this, except *Mariana*, the *Spanish* Jesuit, and he defends it not absolutely, but only problematically, for which his Book was called in, and that opinion expunged and censured. And is it not a sad thing, that for the rashness of one single Man, whilst the rest cry out against him, and hold the contrary, that a whole Religious Order should be sentenc'd ? But I have not time to discuss this point at large, and therefore I refer you all to a Royal Author, I mean the wife and victorious King *Henry the Fourth of France*, the Royal Grandfather of our present gracious King, in a publick Oration which he pronounced, in defence of the *Jesuits*, amongst other things, declaring, that he was very well satisfied with the *Jesuits* Doctrine concerning Kings, as being conformable to the best Doctors in the Church. But why do I relate the testimony of one single Prince, when the whole Catholick World is the *Jesuits* Advocate ? therein chiefly *Germany, France, Italy, Spain, and Flanders*, trust the Education of their Youth, to them in a very great measure, they trust their own Souls to be governed by them, in the administration of the Sacraments. And can you imagin so many great Kings and Princes, and so many wise States should do or permit this to be done in their Kingdoms, if the *Jesuits* were men of such damnable principles as they are now taken for in *England* ?

In

In the third place, dear Countrey-men, I do protest, that as I never in my life did machine, or contrive either the deposition or death of the King, so now at my death, I do heartily desire of God to grant him a quiet and happy Reign upon Earth, and an Everlasting Crown in Heaven. For the Judges also, and the Jury, and all those that were any ways concern'd, either in my Tryal, Accusation, or Condemnation, I do humbly ask pardon of God, to grant them both Temporal and Eternal happiness. And as for Mr. *Oates*, and Mr. *Dugdale*, I call God to witness, they by false Oaths have brought me to this untimely end. I heartily forgive them, because God commands me so to do; and I beg of God for his infinite Mercy to grant them true Sorrow and Repentance in this World, that they may be capable of Eternal happiness in the next. And having discharged my Duty towards my self, and my own Innocence towards my Order, and its Doctrine to n.; Neighbour, and the World, I have nothing else to do now, my great God, but to cast my self into the Arms of your Mercy. I believe you are One Divine Essence and Three Divine Persons, I believe the Second Person of the Trinity became Man to redeem me; and I believe you are an Eternal Rewarder of the Good, and an Eternal Chastiser of the Bad. In fine, I believe all you have reveal'd for your own infinite Veracity; I hope in you above all things, for your infinite Fidelity; and I love you above all things, for your infinite Beauty and Goodness; and I am heartily sorry that ever I offended so great a God with my whole heart: I am contended to undergo an ignominious Death for the love of you, my dear Jesu, seeing you have been pleased to undergo an ignominious Death for the love of me.

The last Speech of John Fenwick.

Good People, I suppose you expect I should say something as to the Crime I am Condemned for, and either acknowledge my Guilt, or assert my Innocency. I do theretore declare before God and the whole World, and call God to witness that what I say is true, that I am innocent of what is laid to my Charge of Plotting the King's Death, and endeavouring to subvert the Government, and bring in a Foreign Power, as the Child unborn; and that I know nothing of it, but what I have learn'd from Mr. *Oates* and his Companions, and what comes originally from them.

Sher. How. *If you can make a good Conclusion to your own Life, it will do well; consider if your Letters did not agree with the Evidence, That's another matter.*

Fenwick. *I assure you, I do renounce all Treason from my very heart. I have always, and ever shall disown the Opinion of such Devillish Practices as these are of King-Killing. If I speak not the whole frame of my heart, I wish God may Exclude me from his Glory.*

Sher. How. *Those that Murdered Sir Edmund-Bury-Bury Godfry, said as you do.*

Fenwick. *As for Sir Edmund-Bury Godfry, I protest before*

fore God, I know nothing of it: I never saw the man in my life.

Sher. How. For my part I am of Opinion you had a hand in it.

Fenwick. Now that I am a dying man, Do you think I would go and Damn my soul?

Sher. How. I wish you all the good I can, but Ile assure you, I believe never a Word you say.

Fenwick. I pray for his Majesty every day, and wish him all happiness with all my heart. Also I do with all my Soul pardon all my Accusers. If the Judg or Jury did any thing amiss, I Pardon them with all my Soul, and all Persons directly or indirectly. I am very willing and ready to suffer this Death. I pray God Pardon me my sins, and save my Soul.

And as to what is said and commonly believed of *Roman Catholicks*, that they are not to be believed or trusted, because they can have Dispensations for Lying, Perjury, Killing Kings, and other the most enormous Crimes; I do utterly renounce all such Pardons, Dispensations, and with all declare, That it is a most wicked and malicious Calumny cast upon Catholicks, who do all with all their hearts and souls hate and detest all such wicked and damnable Practises, and in the words of a dying Man, and as I hope for Mercy at the hands of God, before whom I must shortly appear and give an account of all my actions, I do again declare, That what I have said is true, and I hope Christian Charity will not let you think, that by the last act of my Life, I would cast away my Soul, by sealing up my last Breath with a damnable Lye.

Then they were at their private Devotions for about an hour.

And Mr. Sheriff How spake to them; Pray aloud, Gentlemen, that we may joyn with you; we shall do you no hurt, if we do you no good. Are you asham'd of your Prayers? Then he spake to Mr. Gavan, and said, It is Reported you did preach at the Quakers meeting.

Gavan. *To which he made answer, No Sir, I never preached there in my life.*

After they had ended their Devotions, the Executioner pulled their Caps over their Faces, and went down and drew away the Cart, and they were all Hanged together till they were Dead, and then cut down and Quartered, and their Bodys disposed of according to his Majesties Command.

Animadversions
ON THE LAST
S P E E C H E S
OF THE
FIVE JESUITS,
V I Z.

THOMAS WHITE, *alias* WHITEBREAD, *Provincial of the Jesuits in England.*
WILLIAM HARCOURT, *Pretended Rector of London.*
JOHN FENWICK, *Procurator for the Jesuits in England.*
JOHN GAVAN, *alias* GAWEN, *And*
ANTHONY TURNER.

Who were all Executed at T T B U R N for High-Treason

I N

Conspiring the DEATH of the K I N G, &c.

J U N E the 20th, 1679.



PROTESTANTS, who make conscience of their words, and count it a horrid Crime to speak otherwise than they think, when they are dying, may be ready to take the measures of others by themselves, and to judge those guiltless who, when they are dying, assert their Innocency with the highest Asseverations. But they will see reason to judge otherwise, if they take notice how full and clear the Evidence is by which these Jesuits were Cast, and withall understand the Principles of the persons executed, and their Associates, which they were greatly concerned to put in practise, are such as destroy all confidence in their words living and dying. For by the common doctrine taught and received amongst them, they are furnished with expedients whereby they may deny what is most true, and affirm

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what is most false; and that with most solemn Oaths or dreadful Imprecations, and yet neither lye, nor be forsworn, nor any way sin in the least degree; and so may without any scruple endeavour to deceive others by the use of such falseness, as at other times, so even when they are dying. Their principal artifice (to wave others) is that which they call *Mental equivocation*, not on the account of ambiguousness in the words (though they may make their advantage of this also); but because of a double sense in some Proposition, partly exprest, and partly reserv'd in their minds; so that it is true in their own sense, but false in the sense of all that hear it. The use of it is allowed by all sorts of *Papists*, and particularly the *Jesuits*; 'tis much endeared to them, and more familiarly used by them than any other fraudulent Arts, because the fraud herein is both more easie, and undiscernable, and innocent in their account, and the advantage of it admirable; there being nothing so false but it may be made true, nothing so true but it may be made false by this art. And therefore it is no wonder if they decline it not at Trials in Courts of Judicature, no nor when they are dying and approaching the dreadful Tribunal of the Judg of Heaven and Earth, though truth and sincerity be then, if ever, necessary. They have the confidence to plead the examples of God, of Christ, of the ancient Saints recorded in Scripture, in justification of it. But our Jesuits have more pertinent instances, those of the same Principles, and in the like circumstances, to encourage them with Oaths and Asseverations to assert what could not be true, or deny what is not false, but by this device.

F. Garnet, Predecessor to F. Whitebread both in his Office and Practices, being Principal of the Jesuits, and chief Promoter of the Powder-Plot, (a) when after secret conference between him and Hall, another Jesuit in the Tower, he was asked before the Lords Commissioners, whether Hall and he had any conference together, and was desired not to equivocate; he, swearing upon his salvation, reiterating it with so many horrid imprecations as wounded their hearts to hear, he denied again and again that he had any discourse; yet afterwards when he knew that the thing was known, and that Hall had confessed it, he cried the Lords mercy, and said he had offended if equivocation did not help him. b Another time being asked whether he did well to swear upon the holy Evangelists, That he had neither writ nor sent to the Jesuit Testmond, which he knew to be false? He answered, That he swore so lawfully enough, not knowing then that his Letters were intercepted, and thinking they could not have disproved him.

c Proceeding
against Tray-
tors. Casaub.
ibid. 281.

c Tresham, one of the chief undertakers in the Powder-Plot, upon examination did confess that F. Garnet was privy to the Treason; but afterwards by the importunity of his Wife, three or four hours before his death, he protested and took it upon his salvation, setting it down under his hand, That his former confession was false, and that he had not seen Garnet in sixteen years before, at the least; and so he dyed. His Pretestation and Oath were not long after proved to be untrue; yea, and Garnet himself confessed that within that space he had seen him many times. Whereupon being demanded what he thought of Tresham's dying-oath and protestation? He answered, It might be he meant to equivocate.

Hereupon

Hereupon Garnet thus resolves the case about the lawfulness of equivocating at point of death, as it was found in his Papers communicated to Casanbon by King James: *If any one*, says he, *shall enquire whether it be lawful to imitate Tresham's equivocating in the very article of death, upon some necessity, as to free a friend from danger? It is truly lawful*, says he, *and we may prove it by an argument drawn from confessions—and since it is lawful for any one to use this in the course of his life, why may it not be used also by a dying man?* Casaubon ibid. p. 202.

Hereby we see that these were their practices of old, and justified by their Teachers as lawful even at the hour of death; therefore we should not be surprized, if we find our Jesuits use these arts in their last Speeches; this is not new to them, nor unwarrantable either at publick Trials or Executions.

But their Principles are further considerable, of which take an account in some severals.

First, By their Doctrine they may lawfully say what is false, making use of a Mental reservation, by virtue of which that which is false in it self, will be true in their reserved sense; and therefore though it be gross untruth, as exprest, and they know it to be so, and use it with an intent to deceive others, yet they count it no lye, and therefore no sin, and so they need not fear to use it when they are passing out of the world. That it is no lye, they generally maintain. (d) *If a man* (saith Parsons) *use mental reservation, he doth not offend against the negative precept which forbiddeth to lye. It is freed from the nature of a lye, by the due and just reservation in the speakers mind*, says he. (e) *By understanding something in our minds* (saith Navarr) *we may make that true which we affirm, though it be false; and that false which we deny, though it be true. And Sanchez the Jesuit more fully: (f) if a man do swear that he did not do something which indeed he did do; understanding within himself some other thing else which he did not do, some other days than that wherein he did it, or any other addition that is true, this man does not indeed either lye or forswear; (g) producing many Authors for it, and referring to divers others.*

(d) Mitigation, cap. 10. Num. 23. p. 424.

(e) Subintelligendo aliqua quibus fient vera que annui-

mus, vel falsa qua negamus, Comm. in Co.

human. aures. q. 3. num. 13.

(f) Si quis juret se non fecisse aliquid quod reuera fe-

cit, intelligendo intra se aliquid aliud, quod non fecit, vel aliam diem ab ea in qua fecit, vel quodvis aliud additum verum, reuera non mentitur nec efficit perjurum. Op. mor. lib. 3. cap. 6. num. 17. (g) Angelus, Sylvester, Navarr, Valentia, Salon, Toledo, Manuel, Philarchus, Suarez, Leonardus, &c.

It seems mysterious, that the same thing should be both true and false; that he should speak what is false in it self, and in his own judgment, and that which tends to deceive others, and yet not lye. But they would clear it thus; A proposition formed in this case has two parts, one exprest, and the other concealed; that which is exprest is false, but the part concealed being added to it, the entire proposition is true. e. g. *F. W. did not design to kill the King, this is false, but adding some secret reserve, viz. King Harry, or King Charles before he was born, or in Scotland, and the whole is true. And by this device our Jesuits, though they as fully designed to kill Charles the Second, as ever Ravillac did Harry the Fourth;* yet

yet they may deny it with all Affeverations, and yet not lye at all (as they believe by vertue of this device): they may assert their innocency in terms which are false in the sense of all the world, yet by such a reserve all will be true in their own sense; and so in averring that which is most false, they perswade themselves they do no more lye, they do no more sin, than the Child unborn.

And here let the world judg what regard is due to the words of those, though they be the words of dying men, whose Doctrine assures the most guilty persons in the world, that if they persist in a false defence of their innocency, even unto death, yet by this method they teach them, it will be no lye, it will be no sin at all.

This may be enough to satisfie us concerning the common expressions wherein they all agree to disclaim all guilt. But there is something singular in *F. Gavans* Speech, which requires a particular consideration, and yet it may be grounded on the common principle. I cannot imagine how that which he protests with the last words of a dying man to vindicate his Society (for which I wish he were not more solicitous than for his Soul) can be true without some fraudulent reserve, since it is very false in it self, that the *Jesuits* allow not the Doctrine of King-killing, but detest and abhor it, or that none of them hold it lawful for a private person to kill a King, but only *Mariana*. I suppose the principles of the Jesuit *Sanctarellus* are little more favourable to Kings than those of *Marina*, his Book on that account being condemned and burnt by the Parliament at *Paris*; yet it was printed at *Rome*, and approved by *Mutius Vitellescus*, the General of the *Jesuits*. And when the chief of that Order in *France* were examined, whether they did believe as their General did at *Rome*? or would do so if they were at *Rome*? It was answered by *F. Cotten* in name of the rest, That they would change their judgments with the Country, and would believe as they did at *Rome*, when there, though he ridiculously denied that they did believe so while they were in *France*.

However *Mariana* had many of the *Jesuits* who expressly owned his Doctrine; *Ribadeneira*, *Scribanius*, under the name of *Bonariscius*, *Becanus*, *Gretserus*, do partly praise him, and partly defend his Opinion. Another Patron of the *Jesuits*, says plainly in an *English* Treatise, That they are enemies of that holy Name of *Jesus*, that condemned *Mariana* for any such doctrine. And his Book having been before printed at *Toledo* with the approbation of the Superiors of the Society, there was a new Edition of it at *Mentz* by the procurement of the *Jesuits* there. It is much if *J. G.* could make all these to be but one *Mariana*. And wherein does (g) *Emanuel Sa* come short of *Mariana* in that particular wherein the *Jesuit* would clear the Society? Or *Becanus* in his *English* Controversies? or *Suarez*? a *Jesuit* of such reputation, that his judgment alone is valued more than a thousand other Authors, who expresses himself thus:

When a King is deposed, then he is neither lawful King nor Prince; and if

(g) *Vid. Apbor.*
v. 177. num. 2.
P. 115.

if therefore he endeavour to keep the Kingdom under him by strength, then he is an Usurper, no lawful King, having no true title to the Crown — for that (h) after the decree of deposition, he is altogether deprived of his (h) Kingdom. so that he cannot with a just title possess it, and so may be used as a Tyrant or Usurper, and by consequence may be slain by any private man.

At vero post sententiam latam omnino privatur regno, ita ut non possit

justo titulo illud possidere: ergo ex tunc poterit tanquam omnino tyrannus tractari, & consequenter a quocunque privato poterit interfici defens. fid. lib. 6. cap. 4. num. 14. & 17.

Here we have multitudes of Jesuits in one, allowing the killing of Kings by any private man: for not only divers Bishops, but the Provincial Jesuits of Portugal and Germany, testify their approbation of his judgment; and a whole University declares, (i) That there is nothing in it but (i) *Nihil est* ought to be approved, every thing being according to their own opinion and judgment. Add but one (k) F. Campian, who may be instead of all. He declares, That all the Jesuits spread far and wide through the whole world, have entred into a league to make away all heretical Kings in any manner whatsoever: nor will they despair of effecting it, so long as any one Jesuit remains in the world.

in toto hoc opere a nostro omnium sensu discordans, cum de hac re sit omnium nostrum eadem vox idem animus eademque

sententia. Cens. academ. Complutensis. (k) In Epist. ad Concil. Reg. Anglii, p. 22.

There is no room to alledg particular Doctors, which might easily be multiplied. That which we charge the Jesuits with, in reference to the murdering of Kings, may be reduced to two heads:

1. That the Pope has power to depose Kings, for Heresie especially.
2. That being deposed, any one may kill them, at least by the Popes Order.

The former is the Doctrine of their Church, and not of particular Doctors only; being established not only by the Opinion of all sorts of their Authors, but by the determination of Popes, and the Decrees of General Councils; so that hence the famous Jesuit (l) Lessius declares, That if the Pope had not this power of deposing Kings, the Church which has taught it, must of necessity err; and to hold that is heretical, and a more intolerable error, than any about the Sacrament can be. And a greater than he, Cardinal Perron, (in his *Diverses Oeuvres*, and *Recueil General des Affaires du Clerge de France*) declares it as the sense of the whole Clergy of France (who of all the Romanists are accounted least favourable to the Papal Power); That all who maintain the contrary, are hereticks and schismatics.

(l) Defens. decret. Concil. Lateran. p. 46. Ergo tam est certum posse Pontificem coercere vel punire Principes temporales, his penarum generibus, quam est certum non

posse Ecclesiam in fide & moribus errare. Here Suarez maintains it to be as certain, as that this Church is infallible, Defens. fid. l. 3. c. 23. n. 16.

For the latter, we have the declared sense of the whole body of the Jesuits in France (than whom, none of the Society in any part of the world, were more favourable to Kings) in an Apology for their Doctrine on this subject, to Harry the 4th; yet there they declare in the words of *Valentia*, consonant to the Doctrine of *Aquinas*, *Cajetan*, *Sotus*,
C Coue-

(m) *Si est tyrannus secundo modo (viz. per arrogatam sibi in justam potestatem) qui libet possit illum occidere.* Apol. Societ. Jes. in Gall. 1599. append. p. 115, &c. Suarez defens. fid. lib. 6. c. 4. n. 14. *Si Rex talis post depositionem legitimam, in sua pertinacia perseverans regnum per vim retineat, incipit esse tyrannus in titulo, quia non est legitimus Rex, nec justo titulo regnum possidet. Afferitur hunc tyrannum quoad titulum, interfeci posse, a quacumque privata persona.* Idem Ibid. num. 7.

Or if all the Jesuits in France will make no more than one Mariana, let us see if the Jesuits of other Nations may possibly do it. Bomecina tells us, that Valentia, Suarez, Lessius, Molina, Filiucius, concur with him, and many others, in this assertion: *Licetum est homini privato, occidere tyrannum qui absque ullo titulo usurpat, &c.* It is lawful for a private man to kill such a tyrant as has no title, Tom. 2. de fastit. disp. 2. q. 8, punct. 3. n. 2, & 3.

The premises considered, if F. G. understood them, either he intended to deceive the people with a downright lye, or with a gross untruth under the covert of a secret reservation; both are alike heinous to us, and this latter worse, because there is less fence against it; but in charity I incline to think he used the latter, because in such cases they count it sinless and innocent, and not to be declined at the point of death.

And two Reserves he might make use of, one in reference to the word King; Jesuits are not for King killing doctrine: for they will have Kings first deposed by the Pope, or by Heresie, and then they are no Kings, and so they may be killed by any man, and yet *no King may be killed by any private person.* All the Kings of England, Sweeden, Denmark, &c. may be killed one after another, by the Jesuits doctrine, and yet by that doctrine no King at all will be killed. Or he might use another reserve with respect to the words *private persons*, understanding reservedly, persons that have no authority from the Pope, or any under him. And this fraudulent reserve, F. Parsons might help him to, who to avoid the charge, that they held a King condemned or deposed, may be killed by a private person; he denies that

(n) Sober reckoning, cap 5. num. 44. p. 322. vid. Suarez ubi supra, num. 12.

(n) *a private man as a private man, i.e. by private authority, can kill any Prince.* And in this sense neither Grove, nor Patrick, nor any other who undertook this horrid Murther, can be counted private persons: for they did not undertake it by their own authority. And the meanest and most private persons in these three Kingdoms, or any other Nations, may assassinate the King, by the Jesuits doctrine, if they have the Popes authority for it, immediately or mediately: And yet by no means must the doctrine of the Jesuits be charged as allowing that private persons may kill Kings; and the reason is, because the Pope's Executioners are no more private persons than the common Hang-man (as the Jesuit gravely explains it) though he use but his Ax once.

What he adds concerning Harry the fourth, was sufficiently confuted by Chastell first, and after by Ravilliack, by the most effectual arguments that the Society ever used. But my design is to shew the fraud, not the weakness

ness of his Discourse. Let the Reader judg how true that is which he swears concerning his Innocency, by the truth of what he protests concerning the Jesuits doctrine. Both require equal regard, both being the asseverations of a dying man; yet both might be true in his account by this artifice, how false soever in themselves, and so might innocently be asserted by a dying man.

As for their Prayers for the King, I do not well understand them; they would have it thought, that they had no design to kill the King, who can pray for his prosperous reign. But do they think that His Majesty can truly prosper till he turn *Roman Catholick*? This they heartily wish, no doubt; whether they can pray, or no, I know not.

However, it need not seem strange if they should equivocate in their way of praying, since they allow of plain Lyes in their publick Liturgies, which divers of their own Authors express themselves sensible of. Pract. Divin. of the Papists. p. 553.

F. Garnet having composed some Prayers for the good success of the Powder-Plot and using them amongst his party, when he was charged with it, made use of such a plea as became such a Jesuit; he said that he made not those prayers with that meaning that the thing might fall out according to the mind of the Conspirators, but rather cross to their desires, that so the safety of King and Kingdom might be provided for: So that when he prayed for the ruin of King and Kingdom, yet his meaning was, that they might be preserved and prosper: And so when our Jesuits pray for the King's prosperous reign, why may not their meaning be his utter destruction? for this is altogether as likely as the other. But there is no penetrating a Jesuits meaning any where, no not in his prayers; for whatever the words thereof seem to be, the meaning may be quite contrary. So it was in F. Garnet's time, and the world is not much mended with the Society since.

The Forces of *Charles* the Fifth having taken the Pope prisoner, the Emperor orders that publick prayers should be made for his Holiness release. The world thought that he might have saved his prayers, and given him liberty, instead of begging it. To be sure, His Majesty might well enough spare the Jesuits prayers, if they would forbear their plotting against him. But to proceed,

Secondly, They maintain, that when they may lawfully speak what is false, they may lawfully swear it; it is the common doctrine of the Romanists. (o) F. Parsons assures us, *That all Divines hold, that what may lawfully be said, may also be lawfully sworn.* And again says he, (p) *It being a most certain principle, as well in Reason as in Divinity, that what a man may (by virtue of mental reservation) truly say, he may truly also swear.* So Lessius, (q) *As oft as it is lawful to equivocate, it is lawful to use an oath, if it be needful, and some notable cause require it.* We heard (r) *Tho. Sanchez* before, with the concurrence of many other Authors, determining, That he who swears he did not do something which indeed he has done; yet by the help of some mental reservation, he neither lyes, nor is forsworn. Add but *Jo. Sanctius*, who will make it needless to add any more; (o) Mitig. c. 11. sec. 9. num. 42. p. 468. (p) Mitig. c. 11. sec. 4. num. 17. p. 449. (q) Quoties licet equivocare, licet uti juramento, si necessitas vel causa notabilis postulat, lib. 2. de just. & jure, cap. 42. dub. 9. num. 48. (r) Vide supra.

(1) *Name eadem* more; (1) *That cause which does excuse a lye by a reserved equivocation, causa quæ adest is sufficient also to excuse ad oath.* And for this he alledgeth many (t) authorities.

equivocatione
reventia, sufficit etiam ad excusandum juramentum. Select disput. 46. num. 17. p 330. (t) Angelus Sylvester, Navarr,
Azorius, Valentia, Salonijs, Sanchez, Toletus, Manuel, Chiliarcbus, Suarez, Lessius, Del Rio, Sa. add Bonacia, Tom. 2. disp.
4. q. 1. punct. 12. n. 1. Ubi citus Reg. Sanchez, Azorius, Lessius, Rodriguez, Valentia, Filiutius, Laiman.

F. Garnet being one day by his Judges convicted of many Lyes, when he was brought back to the *Tower*, there again he was examined whether he did not repent of this infamous Art, and did seriously believe it lawful? Or only used it for that time, necessity pressing him? He instead of an Answer, as his manner was, writ what follows with his own hand, and delivered it to the Examiners: *This I acknowledg to be according to my opinion, and the opinion of all the Schoolmen; and our reason is, for that in cases of lawful equivocation, the speech by equivocation being saved from a lye, the same speech may be without perjury confirmed by an Oath, or by any other way, though it were by receiving the Sacrament.* And subscribed it, *Harry Garnet.* And *Casanbon* transcribed it out of the Jesuits own Manuscript. *Casanb. Epist. ad Front. Duc. p. 202.*

This is their Doctrine; whereby it appears, that if a person be accused or condemned for a design to murder his Prince, though he designed it as much as any Assassinate ever did, yet he may not only deny it, and yet not lye by vertue of a mental equivocation; but though he be as guilty, and his own conscience tells him he is as guilty, as any person that ever was condemned in the World; yet he may assert his innocency with Oaths; and notwithstanding by this Art, he may free himself from *all guilt of perjury, and all other sin.* As they will have him not to lye, though he assert that which is false; so they will not have him *forsworn*, though he swear that which is false, in the sense of all that hear him: And this quite destroys their credit, as to all their Asseverations and Oaths, how many and horrid soever they be, when they think themselves concerned to equivocate.

They would have it observed how confident they are in swearing themselves guiltless.

I am not now upon terms to speak other than truth, and therefore in his most holy presence, and as I hope for mercy from his Divine Majesty, I do declare to you here present, and to the whole world, That I go out of the world as innocent, and as free from any guilt of these things laid to my charge in this matter, as I came into the world from my Mothers womb: So Thomas Whitebread.

I do here declare in the presence of Almighty God, and the whole Court of Heaven, and this numerous Assembly, that as I ever hope (by the merits and passion of my sweet Saviour) for eternal bliss, I am as innocent as the Child unborn of any thing laid to my charge, and for which I am here to dye: So William Harcourt.

I do solemnly swear, protest, and vow by all that is sacred in Heaven, and on Earth, as I hope to see the face of God in glory, That I am as innocent as the Child unborn of those Treasonable Crimes which Mr. O. and Mr. B. charge me withall: So Jo. Gavan.

I call God to witness, that I was never in my whole life at any Consult where any Proposal was made, or resolve taken, or signed for taking away the Life of our Dread Sovereign. [I am as free from the Treason I am accused of, as the child unborn] I vow to God as I hope for Salvation, &c. So Anthony Turner.

I do declare before God and the whole World, and call God to witness, that what I say is true, that I am as in-
D
nocent

nocent of what is laid to my charge of Plotting the Kings Death, as the child unborn. [As I hope for mercy at the hands of God, before whom I must shortly appear, and give an account of all my actions] I do again declare, that what I have said is most true: So John Fenwick.

These are modest Oaths; they might have advanced many strains higher, and outdone F. Garnet, who swore in such a tone, as well nigh made his Judges tremble; and they might have repeated the most horrid Oaths a hundred times for confirmation of what they know to be most false; yet by this artifice they might have done this without either *lye* or *perjury*, and with no less innocence than the child in the Mothers womb. Seriously such words, in such circumstances, would have been very significant from men whose Principles allow of nothing but truth and sincerity; but from those whose Doctrine bids defiance to both, they signify little, besides a warning to take heed lest we be deluded.

They that believe they may speak what is false in the sense of all that hear them, without either *lye*, or *sin* great or small; and also, that when they may speak what is false lawfully, they may as lawfully swear it, what credit can be given to their Oaths, more than to their words? And what regard can be due to the words of those who declare it lawful to speak one thing and think another? and no less lawful when they are dying, than at any other time? Those that would be believed against such Evidence as convicted these men, had need be persons of more than ordinary credit: But men of their Principles are quite broke as to this, their Credit is utterly blasted by their Doctrine. They that count it lawful to deceive us, will do it when they are concerned. And they declare it as lawful to deceive us by equivocating at the point of death, as any time else; and as lawful to delude us with solemn Oaths, as any other words; and have thereby taught us, That if we will not be deceived, we must not, as the case stands, believe a Jesuit, whether he says or swears, no not when he is dying.

I know not what use Knights of the Post may make of their doctrine; it is so very favourable to their practice, and assures it of so much secrecy and innocency, as no other doctrine in the world besides; and so may be a shrewd temptation to them to turn *Roman Catholicks*. If they can but secure their ears, their consciences by this Popish device may be safe enough: for they may swear that which is false when occasion serves, and yet persuade themselves they swear nothing but what is true; and so after Perjuries continued for many years, they may be as innocent as when they were born.

Hereby it appears that the Witnesses from St. Omers had no very hard task

task imposed upon by them their Superiors: For if they had given their testimony upon Oath, as they were very ready to do; and if what they testified were false, and they knew it to be so, yet by this artifice they had testified nothing but what was true; and so though they were false witnesses, yet no less innocent for all that, than any infants. Though it was as certain and evident that Mr. O. was at the Consult at *London*, as that these Gentlemen were in Court at the Tryal; yet by this device, they might truly and innocently say and swear, that he was at the same time at *Saint Omers*. Such is the vertue of this admirable Art, that it makes that which is lying and perjury, both in it self, and in the sense of all the world besides, to be a most innocent and sinless thing, and no worse than a very true testimony. But suppose these innocent Children (as *J. F.* calls them) were not capable of this subtilty, yet they might have come off like innocents another way, and yet have done the business which their Superiours enjoyned them; for they came only to secure these Jesuits, and other persons of quality, by their testimony; and if they should have given a false testimony on their behalf, there had been no great harm, since a false testimony for another is no Crime, but only that which is false and *against* him too, which is plain by the words of the Commandment, Thou shalt not bear false witness *against* thy neighbour; it's no prohibition to bear false witness *for* him, as is gravely observed by one of the most Eminent Divines in the Council of *Trent*, and Confessor to *Charles* the Fifth, who on this account will have a

(u) false testimony excused when it is to hinder one from doing of injury. And (w) another of their great Divines will not have him condemned, who to defend himself, makes use of witnesses, offering them selves freely to testify for him by false Oaths.

(u) Testimonium falsum in favorem proximi non est mortale, neque a deo quando dicitur ut idem

impediatur injuriam facere, quoniam neque hoc est contra ipsum, Præceptum Exod. 20. sub illa forma constituitur, non loqueris contra proximum tuum falsum testimonium. Soto de justitia & jure, lib. 5. quest. 7. art. 4. (w) Videtur visum esse non esse damnandum de mortali falsitate, qui ut suam tueatur innocentiam, unum testibus se ultro offerentibus ad testificandum falsum jurando, vid. Lopez. instruc. pars 2. chap. 44. p. 264.

And for their further (x) encouragement, their Doctors determine, (x) Guimen. that in way of defence, and to weaken the credit of such as accuse them, opusc. p. 176. they may without mortal guilt charge them with false Crimes: So (y) (y) Solum esse Bannez, It's only a venial fault to charge a false crime upon a witness peccatum veniale mendacii unduly accusing us, when such a charge may serve to refute his testimony. objicere crimen falsum testis iniquo, quando

talis obiectio prodest ad refutandum ejus testimonium. Bannez. 2. 2. quest. 70. artic. 3. dub. 2.

To the same purpose *Ledesma*, *Orella*, besides many more in (z) *Diana*, (z) Part. 9. who says, This opinion is probable enough (and that which is probable, tractat. 9. re- is by their principles, lawful in practice, though it has no probability, solut. 43. but what the opinion of some Grave Doctors can give it). And (a) (a) Theologia Caramuell tells us, there are more than Twenty Doctors, who assert fundament. num. 1151. That he who claps a false testimony upon any in his own defence, sins not Viginti & plures Doctores mortally. asserunt, eum

qui imponit falsum testimonium alicui, ut suam justitiam & honorem defendat, non peccare mortaliter.

We

We need not wonder therefore, that such endeavours have been used to procure false Testimonies, and forge odious Crimes to discredit the Kings Witnesses ; nor to hear T. W. and J. G. charge them with *false Oaths*, and *false Accusations*, when they knew that they were true ; for if it be but a venial fault to do this, to secure the reputation of a particular person ; it will be scarcely accounted any fault at all, when the honour of whole Societies, and Religious Orders, and of the Popish Religion it self, is so much concerned, and stands in so great need of such a Vindication.

(b) *Guimen.*
ibid. p. 177.

But the Argument whereby they would justify this Doctrine is more remarkable : *Why will this be a sin*, says (b) my Author, *if it be lawful in defence of ones reputation to kill another* ; which is maintained by *Sotus, Panñez, Salomius, Arragon*, and others, with whom *Diana* concurs, affirming it to be their *common doctrine*. (c) *Amicus* the Jesuit thus delivers it :

(c) *Licetum est*
Clerico vel
Religioso ca-
lumniatorem,
gravia crimina de se vel de sua Religione spargere minantem, occidere, quando alius defendendi modus non suppetit, De justitia
tom. 5. disp. 3 6. sect. 7. num. 118.

It will be lawful for a Clergy-man, or a Religious person, to kill him who threatens to charge him or his Religion with great crimes, when there is no other way of defence, as there seems to be none, if the accuser be ready to declare those crimes to great persons, unless he be killed.

He that observes this, will not wonder if they did not scruple to murder Sir E. Godfrey, or that some Priests were so forward to be his Executioners ; nay, it threatens those who are no way so dangerous to them and their Religion, as his Discovery was like to prove, if they had not prevented it by this their sinless expedient, a most *barbarous* Murder. However (d) *Guimenius* produces very many Doctors in justification of it ; and *Caramuel* defends it as not only the Doctrine of *Amicus*, but of *Peter Navarr, Sairus, Gordonius, Sancius*, &c. and as a consequence of it, resolves another case thus : (e) If a Religious man, yielding to the frailty of the flesh, do lye with a mean woman, who counting it an honour to have prostituted her self to so great a person, does divulge it, and so disparage him, he may on this account kill her.

(d) *Ibid.* p. 191.

(e) *Ubi supra.*
p. 551.

So that no sorts of persons must escape with life, who have not a great regard of their honour, who both by their Principles and Practices, are the greatest dishonour to the Christian Name, of any, that ever pretended to it.

But

But to proceed, M. *serra* concurring with *Bannez*, two Doctors of great reputation amongst them, having declared it *lawful to kill him who goes to the Judges to exhibit a false Testimony, &c.* a little after determines, *That the same will be lawful if one go to accuse one of a true, but secret crime, when by such accusation there is certain danger of death or disgrace.* But he adds, *This is not to be publickly preached, because of the rudeness of the Vulgar, as Soto advises; but after the fact, it may serve to quiet their consciences, who have killed others upon such occasion; &c.* it may be made use of to keep them from repenting of their Murthers, perswading them that they are not sins to be repented of; they are lawful acts in the sense of the *Roman* Doctors, or it may be meritorious, if they be Hereticks that are slain, and so they may be encouraged to repeat them as often as they see occasion. So that by their Doctrine it is no sin to kill all the Witnesses that bring in any Evidence concerning this horrid Plot, though their Testimony should but endanger the life or reputation of one particular person; what Murthers will they not then think lawful to secure so many of all ranks and qualities as are engaged in this hellish Conspiracy? The Providence of God is to be adored and admired, and to this it must be ascribed, that the Kings Witnesses are not all murdered; conscience doth not, cannot restrain them from attempting it: for their Principles have left them no conscience at all, as to these, and many other horrid things; but their ill success in the Murther of Sir *Edm. Godfrey* may be some discouragement, God in mercy so over-ruling it, that what they made account would quite stifle all discovery of the Plot, is become a most clear and pregnant evidence of it, as my Lord Chief Justice *Scroggs* (to whom the Nation and the Protestant Religion will owe Honour while they have a being) well observes. But that others may not think their lives secure, who never appear against them as publick Witnesses, they teach, that private aspersions are counted a sufficient ground to murder men, though they be Papists (for Protestants may be lawfully murdered without the least shadow of a crime, but their Religion.) *He who by whispers and detraction does endeavour to wrong or to blemish any one, if the infamy and disgrace cannot otherwise be avoided, it will be lawful to kill him, so Pet. & Navar;* to the same effect *Gaspar Hurtado* declares it *lawful to kill him, who by detraction may much endanger us, unless he be slain;* and *Bannez* adds, *That this is true, although the defect which the detractor makes known be true, if it be secret, because then the discovery of such a defect is a great injury.* And therefore *F.W.* might well send Instructions for the murdering several *Divines* who had detected the Errours of their Doctrine, to the disparagement of their Church; why might not he proceed in this way of vindication, when they count it not only lawful, but very compendious and most effectual? However hereby we may see, that their Envoies from *St. Owers* (who have led us a little out of the path, though not out of the way) have done but little of what they might have done lawfully, if their Instructions had led them to it; though

^e Idem erit si quis vadit ad me accusandum de crimine vero, sed occulto; ex cuius accusatione mihi certum periculum imminet mortis vel infamiae. *Ibid. pag. 164.*

^g Qui murmuracione & detractione injuriam maculamque inferre conatur, licebit, si aliter infamiam & dedecus fugere non potest, occidere. *De resist. l. 2. c. 3. num. 371, & 376.*

^h Licitum esse occidere eum qui detractionibus nititur grave damnum inferre, nisi occidatur. *De iustit. disp. l. 1. diff. 1. i.*

ⁱ Id esse verum quamvis defectus qui detractione publicatur, sit verus, si occultus, quia etiam tunc eum defectum pandendo fit gravis injuria. *Vid. Gaimenium ubi supra.*

in truth they need no other Instructions, not only to make swearing, but other feats lawful, than the common Writings of their Doctors. Let us now again come closer to our Jesuits.

Thirdly, They may use such mental reserves or equivocations, when they are urged by others not to use any, or when themselves profess and swear, that they use none. * So often as good

* Quoties gravis causa occurrat, ob quam licet uti verbis ambiguis, vel mentali restrictione, ejusmodi usum esse licitum, cū interrogans urgeat, ut sine amphibologia aut restrictione loquatur. De secund. præcept. art. 1.

* Henríques, Arragon, Sanchez, & alii. Tom. 2. disp. 4. quæst. 1. præf. 12. num. 5.

* Quare idem sentio ob eandem rationem, quantumcunque reduplicet iniquus interrogator, ut juret se nullā equivocatione uti, & absque omni prorsus equivocatione id intelligere. Adhuc enim jurare potest intelligendo ita ut planē debeat loqui & explicare; vel aliud mente concipiendo quo verum id reddatur. Op. mor. lib. 3. cap. 6. num. 45. pag. 32.

* Cū respondes incompetenti Judici per equivocationem, si ulterius petat utrum equivocas an non, respondebis non, sed cum alia equivocatione; si adhuc suspicans te equivocare, urgeat an non hāc ultimā vice equivoces? responde non, sed cum alia secreta equivocatione; & sic toties quoties idem vel simile à te petet, responde toties equivocando. Barnes de equivocat. pag. 174.

* Dr. Morton of Equivocations, pag. 99. Abbot, antilog. pag. 13.

* At verò, ut docet Parsons, tractatu de equivocatione, semel data causa equivocandi potes in infinitum falsum dicendo equivocare ac adeo pejorare. Ibid.

* Treatise of Equivocations, cap. 10. in Morton, ubi supra, pag. 88.

cause occurs for which we may use ambiguous words or mental restrictions, the use of it is lawful, although he that interrogates do urge, that you will speak without ambiguity or restriction, so Peter St. Joseph. When one interrogates unreasonably by excluding equivocation, he that is interrogated may use equivocation, by adding some particle in his mind, by which the Oath may be made true, so Bonacina and others in him. As often as it is lawful in his own defence to use any equivocations, it will be also lawful, though he that interrogates do urge that equivocation be excluded, so Sanchez, alledging for it Sotus and Arragon; and a little after he adds, The same I affirm for the same reason, how much sœver the Judge urges who interrogates unreasonably, so far as to make the Examinant swear, that he doth not make use of equivocations, and that he intends that which he saith without any equivocation. For he may also swear, understanding secretly that he doth it, as far as he is obliged to speak clearly, and expound himself, or by forming some other thought, which may make his answer true. F. Parsons speaks fully in his Treatise of Equivocations, approved by Garnet Provincial of the Jesuits and Blackwell the Arch-Priest: * If your incompetent Judge shall further ask, whether you do not equivocate, you may answer no, but with another equivocation; if again suspecting you, he urges, whether this third time you do not equivocate, then the third time also say no, but with another secret equivocation, and so as often as he shall ask the like, likewise by equivocating say you do not equivocate: to this purpose his words are represented by divers, and particularly by Dr. Barnes a Benedictine, who says, That ° by Parsons Doctrine, may being once given to equivocating, you may without end in infinitum equivocate by speaking false, and swearing false. But hear this great Doctor once more with the approbation of the greatest Popish Divines then in England: P For further direction of the party examined, let him admit the Oath with a secret intention of equivocation, and if be be more urged to swear without equivocating, let him

him swear that also (*viz.* that he doth not equivocate) but with the *aforsaid intention of equivocation*. The Jesuits in their Speeches seem very much concerned, that they may be believed; but being conscious, that their Doctrine of Equivocation has justly bereaved them of all credit with those that are acquainted with it, they thought it necessary here to disclaim it with Oaths and Protestations; and so to give as much assurance, as those whose credit is so desperately cracked, can give, that they used no Equivocation; Two of the five expressly swear it; *And I do moreover declare, That this is the true and plain sense of my Soul in the sight of him who knows the secret of my heart, and as I hope to see his blessed face, without any equivocation, or mental reservation;* so T. W. *And that you may be assured, that what I say is true, I do in the like manner protest and swear, as I hope to see the Face of God in Glory, that I do not, in what I say unto you, make use of any Equivocation or mental Reservation;* so J. G. They affirm, that they did never design nor contrive the death of His Majesty, and I am confident it was as much their Design to gain Credit herein, as ever any thing was since they were Designers; and therefore they swear it too; Ay, but they know that the World understands by their common Doctrine, That they judge it lawfull to Equivocate in Solemn Oaths, and if they do Equivocate, in what terms soever their Oaths be delivered, they swear quite another thing than their words and expressions do import, or those that heard them do understand, and so if we believe them, *we are meerly cheated*; for what they speak, is not that they swear, though those that hear them take it to be so; but it is that which is spoken, together with something secret in the mind, added to it undiscernably, whereby it becomes vastly different from what is express, or contrary to it; so that when we judging only by their words, do think, that they swear they had no intent to kill the King, that which they swear in their own sense may be their intention to kill him: So that there can no credit be given to their Words or Oaths, unless they can secure us that they do not Equivocate. To secure us of this, they swear they do not Equivocate; Ay, but their Writings (and those particularly which were calculated for them in such circumstances) assure us, That by their Doctrine they may lawfully Equivocate when they swear that they do not so; and that they may use Equivocation when they are swearing against it; and that how often soever a man swears, he will use no Equivocation; yet so often he may lawfully Equivocate in swearing it. Thus their Doctrine plainly bids us despair that we can ever be secured from their Equivocating, and so long as we cannot be herein secured, we can have no ground to believe either their Words or Oaths; and if we will believe without ground, especially when we have just cause to think they have a design upon us, as unquestionably they had in those Speeches, we shall in plain English shew our selves no better than fools, and such as herein neither exercise true charity nor common reason.

Fourthly, By their Doctrine they may lawfully use such mental reserve or equivocation; which in their account makes their speaking or swearing falsely to be innocent, either without any reasonable cause, or
upon

upon a slender occasion, much more when they apprehend weighty rea-

^a Dico secundo probabilius videri non esse mendacium, nec perjurium, *Mor. Tom. 2. Tract. 25. cap. 11. n. 330. p. 204.*

soner in the Tower, being required to declare his Judgment concerning this point, gave it in writing, and it is yet kept upon record; concern-

^b *Casaub. Epist. ad Front. Duc. p. 197.* where he observes the words, without peril, revera non nisi ad speciem adjiciuntur.

^c Potest aliquis jurare simpliciter falsum addendo aliquid, &c. *part. 3. tract. 6. res. sol. 30.*

^d Causa vero justa utendi his amphibologis quoties aut necessarium aut utile est ad salutem corporis, honorum, res familiares tuenda, &c. *Op. Mor. lib. 3. cap. 6. n. 19.*

^e Ex quo sequitur non esse illicitum uti verbis amphibologicis, addendo restrictionem aliquam in mente retentam, quoties aliquid incommodi vel injuriæ nobis impendit, loquendo ad mentem interrogantis, *Tom. 2. Diss. 4. quest. 1. punct. 12. n. 4.*

^f Potes tunc uti æquivocatione maxime cum rem celare expedit, *lib. 4. summa, cap. 21. n. 9.*

son for it. ^g *Fillincini* enquires, *What sin it is to make use of equivocation without any reasonable cause?* and concludes that *in rigour it is no lye, nor any perjury.* *F. Garnett* when pri-

soner in the Tower, being required to declare his Judgment concerning this point, gave it in writing, and it is yet kept upon record; concerning equivocation, this is my Opinion——

^h *As oft as there is occasion for necessary defence, or for avoiding some injury or damage, or obtaining some good, without the peril of any man, then equivocation is lawfull. A man,* sayes

ⁱ *Diana, may swear what is simply false, adding something in his mind to make it true, as often as there is just cause; now a just cause may be necessity, or profit, in respect of body, honour, or estate. There is just cause,* sayes ^j *Sanchez, for using equivocation, whenever it is necessary or profitable for the securing of bodily safety, or honour or outward enjoyments, &c. It is not unlawful,* sayes ^k *Bonacina, to equivocate as oft as any inconvenience or injury is like to befall us, by speaking plainly. Or as they express it more generally, when a man is concerned to keep something secret; so* ^l *Toledo, Equivocation may be used, especially, when it is expedient to conceal a thing: So* ^m *Sanchez,*

alledging for it, *Sylvester, Sotus, Ledesma, Navarr.*

ⁿ *Ubi supra n. 24.*

Now no person can be more highly concerned to keep a thing secret, than these men to conceal the Plot; both for the dangerous consequences of their discovering it, and the great advantages they might expect by concealment; by insisting on their own innocence, and asserting it even unto death, they might expect vast advantages. The Plot cannot be more effectually promoted, than by making us believe there is none; and it will hardly be believed that there is any Conspiracy of this nature, wherein there is no Jesuite; and it may be concluded there is no Jesuite in it, if the Principals of the Society (such as these were) had no knowledge of it. Their denying all tends to make all, before taken for granted, to be again call'd in question, and to encourage those who are still carrying on the Design to proceed vigorously, since they may still work under-ground, and not be discovered, no not by those that suffer for it. Also to make some weak-minded Protestants stagger who hear the confident words of these dying Priests, but are not acquainted with their fraudulent Arts, nor suspect any depths of Satan in so smooth language, and will hardly believe (knowing what their own Religion teaches) that any Christian durst go out of the world with false oaths in his mouth; or that there can be any device, which will make such a horrid thing to be innocent. It tends also to weaken the

the credit of the witnesses, and disparage the Justice of the Nation; and occasion such alteration in the Ministers thereof, as may be more for the security of the Conspirators. It may also allay the Spirit of the Nation roused and appearing in some heat, against those who were before apprehended to be the contrivers of its utter ruine. It may also incense Foreign Princes both against us, and innocent Protestants under them, for proceeding against Priests or Papists as such, without any other crime, but what is pretended. In fine, hereby they might expect to dye as Martyrs in the account of Papists, and as innocent persons in the judgment of others; whereas, if they had confessed all they were conscious to, it is like they might have been rather looked on as Monsters, or incarnate Devils. Such advantage they might expect, and more they might fancy than I can give account of, by defending their innocency to the last breath. But on the other hand, if they had confessed what they were charged with, they had gone near to have broke the neck of their own Design, which seems dearer to them than all their concerns; and exposed the hopefullest Plot that ever the Society was big with, for the utter extirpation of Protestants; and their Religion, to apparent hazard of miscarrying. They had endangered their whole Party engaged with them; the Lords in the Tower, and other persons of Eminency had been hereby prejudged, and in a manner half condemned before their Tryal. They had quite silenced those, who have yet the confidence, to question the Evidence of the Kings Witnesses. They had encouraged other of the Conspirators to follow their Leaders herein, and confess what they knew, and so a full discovery had been made of the Plot; it had been quite dissected, and all the horrid wickedness in the bowels of it exposed to publick view, and thereby Popery it self in danger to be rendered odious to the world; and renounced by those that love the Christian Name, as utterly repugnant and most reproachfull to Christianity, and to be abhorred by Mankind, as that which bids defiance to Humanity it self. In short, they had gone near hereby to have spoiled an expected Martyrdom, if they had confessed themselves Criminals; or at least to stain the Glory of it, as *F. Garnet* did by confessing something, though no more than what was clearly proved against him, being not altogether so impudent as his Successors, to out-face all Evidence.

Now upon far less accounts than these, Equivocation in words or Oaths is in the judgment of their best Casuists lawful at any time; the hour of death not excepted. Nor will it be any sin by the help of this Art, to say or swear what is simply false, when there is occasion. Nay they count it not only lawful, but necessary in less urgent cases than this before us. And can any imagine our Jesuits to be so silly, so unreasonably scrupulous as not to venture on a few innocent Oaths in the prospect of such advantages on one hand, and such dangers on the other hand, as did not only invite, but inforce them to it, and made it not only lawful, but necessary? Would they not have been decryed by their own Party as Fools and Dastards, if they had not stood it out to the last, since those Criminals are so accounted by them, who having denied the Crimes they are guilty of at Tryal, yet confess all at

Execution? When it had been the business of so many years, when they had been at so great charge, and run so many hazards to advance an Heroick design, would they let it fall rather than support it by lying and swearing a little, when in the judgment of their best Doctors they might lawfully do both? What though it could not be done without false Oaths, they knew very well they can easily make them true, by a fly, but harmless trick. There is not the greatest lye nor the falsest Oath that ever was heard, but if it were in the mouth of a Jesuit, with one secret cast of his mind, he could make it as true as the Gospel. Might not their Zealots have accused them as Traitors to the grand Design and the Catholick Interest, so much concerned in it, if they had expos'd all their concerns to hazard by an open and free confession; whenas they had a way to deny and forswear all that they knew themselves, or others were guilty of, without the least sin in the world? Instruct but the greatest Malefactors in this Art, and assure them that they may use it without sin, without any danger to their Souls, and if ever you hear of any confession of Crimes from them at the Gallows more than from these Fathers, it will be a great wonder.

But it may be said, These persons that suffered were Christians and Teachers of others, and not without some apprehensions of death and Judgment; and so it will be uncharitable to think, that they would so little regard their Souls, as not by some Confession to disburden their Consciences, but pass into Eternity without the least touch of Repentance, if they had been guilty of the horrid Crimes they stand charged with. I answer, The Papists have found out other Rules for the ordering of themselves in life and death too, than the Gospel prescribes, and good Christians will observe. But if they had been better Christians than they are, they would have done no better, unless they had been of another Judgment. For how can it be expected, that they should particularly confess themselves guilty of any Crimes, when they did not think any thing they died for, to be a Crime? What they are charged with may be reduced to three Heads, a design *to introduce Popery, to massacre or destroy the Protestants* of these Kingdoms, and *to kill the King*. Now in their Judgment, if we may discern it by their Doctrine, no one of these is a sin. And can you wonder that they died impenitent, when they saw nothing to be repented of? (1) Could they count it a sin to restore the Popish Religion in the three Kingdoms; and establish it, by advancing a Prince to the Throne, who would count it his Glory utterly to extinguish what they count Heresie, both in these Nations and other parts of the World? No sure, they look upon this as an Heroick, a glorious Design, more fit for a Triumph than any remorse, and at the furthest distance from any thing criminal. (2) Do they count it a sin to destroy and root out all whom they count Hereticks, as they do count all those many hundred thousands in these three Nations? This looks like a crime prodigiously bloody and barbarous; but this is so far from being a sin with them, that it is a necessary duty, and as much so as what God himself commands. For proof of this, I shall not alledge the Opinion of particular Doctors, but that which is of more weight and Authority with them than hundreds of such testimonies; and that is a Decree of a general Council,

Council, the most numerous of any we meet with, viz. that of *Lateran* under *Innocent* the Third. There * *all Secular Lords and Princes*, higher and lower, are enjoined to root out all Hereticks out of their Territories; and if they neglect it, their Dominions are to be seized on by Catholics, who exterminating the Hereticks shall possess them without controul, and preserve them in the purity of the Faith. This is one of those Decrees, how sanguinary soever it be, which they will have all Catholics high and low to observe and obey as the Precepts of God and Divine Constitutions. And they are not excused from this bloody obedience, but for want of power to execute it with safety to themselves, as ^a *Bellarmino* and others declare. And now at last, after so many years patience perforce, they had power enough in their prospect. An Army of forty or fifty thousand armed men ready to be levied, under Officers whom the Pope thought worthy of Commissions for that Service, backed also with Catholic assistance from abroad; might be thought sufficient to execute this merciful Canon effectually. And as obedience herein is necessary, and such as in conscience *Roman Catholics* cannot decline; so it is meritorious (and how far is that from being sinful?) The reward of their merit who will ingage throughly in this blessed work, for the utter exterminating of Hereticks (*Protestants*) every where, is no less than pardon of all sins, and a greater measure of glory in Heaven. So that our Papists may not only skip clear over Purgatory, and jump up into Heaven immediately, but obtain a more glorious Crown there, than others; by doing such barbarous execution upon Protestants. But this you may find more insisted on ^b elsewhere. (3) Do they think it a sin to kill the King? They do not, they cannot think so, if they understand and believe their own Doctrine. Their Doctors assure them, it is no sin to kill a ^c Tyrant; and they will have our King, and others in his circumstances to be Tyrants one way or other, either for want of just Title, or upon the account of misgovernment, if not both ways.

* Vid. Crab, Tom. 2. Concil. pag. 948.

^a Bellarmin. de Laicis, l. 3. cap. 22. pag. 1319. Bannez in 2. 2. Thom. quest. 12. art. 2. Boucher. lib. de justa abdicat. Henric. 3. pag. 278.

^b Practical Divinity of the Papists, cap. 7. sect. 5. pag. 206.

^c Tyrannum occidere honestum est, quod cuius impune facere permittitur, quod ex communi consensu dico. Dr. Boucher the Jesuit, ubi supra, pag. 362.

When they deny him to have any Title, as they always do upon supposition of the Popes deposing him, and sometimes without respect to any formal Deposition, then their common Doctrine carries it clear, and with a strong current, any private person may lawfully kill him: ^d It is asserted, That a Tyrant, on the account of Title, may be slain by any private person; so *Aquinas*, whom multitudes of their Doctors follow: my Author names near twenty a little before, many of them Jesuits.

^d Nam asseritur hunc tyrannum quoad titulum, interfici posse à quacunque privata persona. Suarez defens. fid. l. 6. cap. 4. num. 7.

If they grant that he ever had any good Title to the Crown (which some of them dare question and deny too in terms too intolerable to be mentioned) yet they will have him a Tyrant on the account of misgovernment:

government : for so (as they teach) is every Heretical Prince. *Suarez* describing these kind of Tyrants, concludes thus:

* Et inter Christianos maxime est in hoc ordine (viz. tyrannorum) numerandus Princeps, qui subditos suos in hæresin, vel aliud apostasiæ genus, vel publicum schisma inducit. *Ubi supra*, num. 1. So *Reynolds*: Facile constat eum qui quancunque tuctur hæresin apud Christianos, non minus propriè perfectèq; tyrannum effici; quàm qui apud Philosophos spreta civitatum conservatione, omnia in Republica stupris, rapinis, & hominum cædibus implet. *Rossius*, pag. 157. *Masconius*, tenens regnum contra formam juris & mentem Papæ, dicitur Tyrannus, *De Imper. Reg. pars 1. cap. 2.*

† *Lib. 5. de Justit. quest. 1. artic. 3.*

‡ Licet Rex in solo regimine tyrannus, non possit à quolibet interfici; latà verò sententià quisque potest institui executionis minister. *Suarez ubi supra*, num. 18.

Emmanuel Sa. verb. Tyr. n. 2. Tyrannicè gubernans justè acquirum imperium, non potest spoliari sine publico iudicio: latà verò sententià potest quisque fieri executor. And this *Victorellus* confirms there by the concurrent judgment of *Valentia*, *Aquinas*, *Soto*, *Salonius*, *Bannez*, *Sylvester*, *Tolet*, *Aragon*, pag. 678.

§ Nam in casuposito adest semper voluntas interpretativa Pontificis— sed hæc voluntas obtinet vim sententiæ. In 2. 2. quest. 12. artic. 2: conclus. 2.

¶ *Philopater sect. 2. p. 109.* Hinc etiam infert universa theologorum & jurisconsultorum Ecclesiasticorum Schola, & est certum, & de fide, quemcunque Principem Christianum, si à Religione Catholica manifesto deflexerit, & alios avocare voluerit; excidere statim omni potestate & dignitate, ex ipsa vi Juris tum Divini tum Humani, hocque ante dictam sententiam Supremi Pastoris ac Judicis contra ipsum prolatam— atque hæc certa, definita & indubitata doctissimorum virorum sententia est.

* Cum est crimen notorium, non est opus declaratione sententiæ excommunicationis. *cap. cum in homine, extra de Judiciis.*

¶ *Amongst Christians that Prince is most of all to be reckoned amongst this sort of Tyrants, who induces his Subjects into Heresie, or other kind of Apostasie, or publick Schism; and others of them express themselves to the same purpose.* Now of the killing of such a one thus this great Jesuit determines after *Soto*: *A King who is a Tyrant in respect of misgovernment, may not be killed by whom you will; but after Sentence is once past, any one may be made his Executioner.* After Sentence is past they say, but what kind of Sentence they express not. That he may be lawfully killed by a private hand; they think it requisite that he be first deprived, and that must be done by Sentence of the Pope. But many of them determine, that when the Crime is notorious (for example, when a Prince is notoriously known to be a Heretick) which is our case, there is no need of a *Declaratory Sentence*; the Popes *Constructive Will*, though he express it not, will serve instead of such a Sentence, having the full power and virtue of it. So that when it may be supposed, that it is his Holiness will to have a Prince Excommunicated or Deposed (as it must be always presumed in case of notorious Heresie) though he declare it not in any formal way, yet it is as good to all effects and purposes as a *Declaratory Sentence* of Excommunication or Deposition. *Bannez* a great Doctor in their Schools tells us, *This is the judgment of Felinus, and Cajetan, and the common Doctrine of Aquinas's Followers*, that Subjects may shake off all Allegiance to their Prince, even before the Sentence Declaratory of the Judge; and tells us, they prove it by what is now alledged, because *in this case the Constructive Will of the Pope has always the force of a Sentence.* The Jesuites agree herein, if we may believe Father *Parsons*, who says, *It is universally concluded both by Divines and Lawyers, That every Heretical Prince is utterly deprived of all Power and Dignity, both by the Law of God and Man, and this before the Sentence of the Pope.* Their great *Paranormitan* laid the ground of this Conclusion long before, who determines, *That where a Crime is notorious, there is no need of a declaratory Sentence.* So that by their common Doctrine, our King, (or any Prince whose Heresie

resie is notorious) may be, or is deprived (*and consequently may be lawfully killed by any one*) before the Pope has excommunicated him by Name, or deprived him by any publick Declaratory Sentence. And their Practice is answerable. The Wisdom of the *Roman Court* will have it so ordered, when the Pope is in a capacity to make an open attempt upon a supposed Heretical Prince by force of Arms; then he publishes a Declaratory Sentence, as he did against *Queen Elizabeth* before the Spanish Invasion in Eighty eight; but when a private Murther is designed; it is not adviseable to proceed so openly; the circumstances of the attempt require secrecie: and so in this Case, either a Sentence not published, or the presumptive Will of the Pope, or the General Excommunication thundred against all Heretical Princes and persons every *Maundy-Thursdai*, will be enough; and *Guy Fawks* was not much out, when he alledged that as a *sufficient warrant* to blow up both King and Parliament.

But they have yet another way (though less taken notice of) to leave those whom they count Heretical Kings, without any Title to their Kingdoms; and so make them Tyrants and Usurpers, liable to be killed by any hand lawfully, without any Declaratory Sentence of the Pope. ^a *Suarez* having declared that a Prince deposed by the Pope, becomes *Tyrannus sine Titulo*; tells us, this is more clear in an Heretical King. For he as soon as ever he is tainted with Heresie, *ipso facto loses some way his Propriety and Title to the Kingdom*. And that which he minces, their Authors generally assert without restriction, *That Hereticks from the first day that they are so, lose all Title to what they possess, even before any Judicial Sentence*. ^b *Sanchez* produces above forty Doctors for this, and himself saith, It is exceeding probable. And ^c *Suarez* after he hath named many of their more ancient Authors of this Judgment, tells us, It is the common Doctrine of their modern Writers. So that by this Doctrine, so common amongst them, an Heretical Prince is deprived of all Title to the Kingdom he possesses, the very first day that he is an Heretick, without expecting the Sentence of Pope or other Judge. And this they will have extended to an Hereticks children to the second generation, though they prove Catholicicks. For though this seem severe, and it was more favourably determined in the *Code*, exempting Catholicick children from the punishment incurred by their parents; yet in the *new Canon Law* (as ^d *Suarez* tells us) it is otherwise decreed. And Catholicick children are declared to have no title, if their progenitors lost it by Heresie. For this being spiritual Treason, the punishment must be proportionable, and reach both the Criminal and his Heirs. Thus for example, King *James* being in their account an Heretick, he lost all Title to these Crowns, both for himself and his Children, and Childrens children, whether they be Roman Catholicicks or no. So that the Duke of *York* can have no Title, unless the Pope will take off the Attainder, and then revive the Title for him, which hath been by their Rules extinct in this Royal Family from generation

^a *Defens. Fid. lib. 6. cap. 4. num. 14.*

^b *Op. Mor. lib. 2. cap. 22. num. 2.*

^c *De Fid. spe & disp. 22. f. 3. num. 1.*

^d *Ibid. sect. 1. num. 3. pag. 775.*

to generation. This is the condition of Protestants, and all whom they count Hereticks, they lose all Propriety and Title to their Estates and Possessions, for them and their Heirs to the second generation: and Princes are to expect no more favour herein than others. For, say they, *in the crime of Heresie, no regard is had of any special State, of any personal Dignity or Nobility: but in favour of the Faith, noble and ignoble for Heresie are equally punished.* So

¹ *Ubi supra, sect. 6. num. 3.*
pag. 799.

Rojas, Felinus, Carerius, Simancha, and ² *Suarez* after them, who adds: *This is established upon the best reason; for in matters of Faith, and such as pertain to the Salvation of Souls, there is no distinction betwixt Jew and Gentile, bond or free, as Paul to the Romans and to Philemon.* Nay it proceeds with more force against Kings. For Heretical Princes, saith ³ *Simancha*, *deserve more grievous punishment than private men.* There-

⁴ *Instit. Cathol. tit. 23. sect. 12.*

fore they who will have all other supposed Hereticks to lose all title to what they possess, before any Sentence past, must in all reason conclude this of Princes, being equally comprehended under their common Law for Confiscation. So that by this Doctrine the Kingdom of an Heretical Prince is confiscated, and his Right to it extinct by his Heresie, as soon as ever he is infected with it, before and without any Sentence past against him: and if he or his Children to the second generation do possess it, they invade what they have no right to, they are meer Usurpers, and liable as *Tyrants sine Titulo* to be killed by a private hand, any one may be made their Executioner.

Hereby it further appears with what truth *J. G.* asserts in the words of a dying man, that none of the Society, besides *Mariana*, holds it lawfull for a private person to kill a King, although a Heathen, or a Pagan, or a Tyrant. It is hereby evident, That not only the Jesuits, but other Orders, will have it lawful for private persons to kill Kings, when they can suppose them to be without Title; but then they call those Tyrants whom we count Kings, and so they may kill all our Kings successively, and yet swear (truly in their sense) that they never killed any King actually, nor ever designed or attempted to kill any one; because, forsooth, they assassinated none but Tyrants, nor ever intended any other. And I do not doubt but if *Mariana* were alive, he would swear as readily as any other, that his Book was not to defend or encourage the killing of any by private hands, save Tyrants only. But then I question whether we can find any (excepting *J. G.* and excluding mental Reserves) who will either swear or say, that there is any considerable difference betwixt *Mariana*, and the rest of the Jesuits, about the Doctrine of King-killing. They are all for killing of Tyrants by private persons; and he is for the killing of no other. But then both he and they are for the killing of Heretical Kings, for these they all count Tyrants. But to proceed; upon this account their

¹ Ideo etiam Doctores dicunt contra hunc Tyrannum non committi crimen læsæ Majestatis, quia in tali Tyranno nulla est vera Majestas. *Suarez, ubi supra n. 7.*

¹ Doctors say, *That against such a Prince no Treason can be committed: for that is a violation of Majesty, crimen læsæ majestatis, whereas in such a Prince there is no true Majesty.* And by the help of this, might our dying Priests protest and swear, that they were guilty of no Treason,

Treason, but *as clear as the Child unborn, of any treasonable crimes,* or of any Plot *against the Kings Most Excellent Majesty;* and so they might all disclaim King-killing, or any Design or Contrivance of the Kings death: For the ^m Doctors also declare, *such a Tyrant is not called Prince or King;* and therefore if they should count it a sin to kill other Kings, yet not ours, not any Heretical Prince, not any whom the Pope has deposed, or which is all one, declared Heretick, either *formally* or *virtually*: For they are no Kings in the Roman style, but ⁿ Tyrants. Further, by this we may discern, upon what account they may disclaim with Oaths, as these Priests here do, the use of all *Pardons, Absolutions, Dispensations, or Indulgences*: For there is no occasion for these, but upon supposition of some sin, whereas they did not judge any thing wherewith they were charged to be sinfull. And in fine, if these detestable Crimes were no sins in their judgement, who could expect they should make any confession? If such horrid Enormities may be consistent with the greatest innocency, why not any other wickedness whatsoever? And therefore whatever they were guilty of, it is no wonder if they should all swear, as one of them does, that he is the most innocent man in the whole world. They that offer violence to Kings opposing the Faith, and dye on this most Holy Account, they are not to be judged Traytors to King or Country, but Martyrs of Christ, and deserve not punishment of God, but Eternal Rewards in Heaven, *Reynolds Rosens, p. 638.*

^a Dicunt etiam, nomine Principis non venire hujusmodi tyrannum, & ideo decreta quæ dicunt non licere principem interficere, hunc tyrannum non comprehendere, ut videri potest in *Gigante tract. de crim. les. Majest. quest. 65. idem ibid.*

^a In Doctrina Hildebrandica, tyrannus audit, quamvis legimus Rex, qui à Pontifice fuerit excommunicatus, *Casaub. ubi supra, pag. 163. vid. supra.*

To conclude, I have great reason to be confident that these Speeches were contrived for the promoting of their Grand Plot, upon which their hearts were so much set (their Catholick Interest being so deeply concerned in it) that the thoughts of Death could not divert them. Their Design in that was to destroy Us and Our Religion, and in order thereto, by these specious words they would deceive us; knowing well, that they might ruine us more easily, more suddenly, more unavoidably, if they could perswade Us that no such thing is intended. If they find us so weak, so facile as to believe some fraudulent expressions, against so much rational Evidence, and thereby gain this point upon us, their work is in a manner done; and they will do more at their death, by putting out our eyes, than they could do in all their life. To prevent this, I have endeavoured to clear up to others, two things, which to me are as clear as the day, and will be so, I doubt not, to those, who duly consider the premises. (1.) That by their Doctrine, though they were as guilty as any Malefactors that ever suffered, yet they might assert their innocency with all Oaths and Affeверations, and that truly and lawfully, by the use of a secret reserve, or mental equivocation, which it will be no sin to use when they are dying, though then they protest that they use none. This is done in the three first propositions; and it is so plain in their Writings, that I never expect any Priests or Jesuits in *England* will disprove

disprove it. (2.) That they were as much concerned to maintain their pretended innocency, how guilty soever they were indeed; as they were for promoting their present horrid Plot, or their Catholick Interest depending on it: and this is manifest by the last Proposition. Now this being premised, let me only make this enquiry and I have done: Whether any in Reason, Justice or Charity, can against such Evidence as the Justice of the Nation counted clear, pregnant and convincing, believe those, who *thought they might very lawfully deceive us, when they were dying, and apprehended themselves most highly concerned to do it?*

ADVERTISEMENT.

THE Tryals and Condemnation of *Thomas White*, aliàs *Whitebread*, Provincial of the Jesuits in England; *William Harcourt*, pretended Rector of London; *John Fenwick*, Procurator for the Jesuits in England; *John Gavan*, aliàs *Gawen*, and *Anthony Turner*, all Jesuits and Priests, for High Treason in Conspiring the Death of the KING, the Subversion of the Government, and Protestant Religion; at the Sessions in the *Old-Bailey* for London and *Middlesex*, on *Friday* and *Saturday*, being the 13th and 14th of *June* 1679.

The Tryal of *Richard Langhorn* Esq; Counsellor at Law, for Conspiring the Death of the KING, Subversion of the Government, and Protestant Religion. Who upon full Evidence was found guilty of High Treason, and received Sentence accordingly at the Sessions in the *Old-Bailey*, holden for London and *Middlesex*, on *Saturday*, being the 14th of *June* 1679. Both Printed for *H. Hills*, *T. Parkhurst*, *J. Starkey*, *D. Newman*, *T. Cockeril*, and *T. Simmons*.

F I N I S.

